

REMARKS**I. Response to Rejections Under 35 USC§103**

At pages 2-33 of the Office Action, claims 1-28 are rejected under USC § 103(a) as being unpatentable over “Takada” (US Published Patent Application 20020157314) in view of “Sugita” (US Published Patent Application 20020118626). The Applicant respectfully traverses the Examiner’s rejection because the cited references, when taken either individually or in combination therewith, do not disclose the claimed invention. Further, there is no motivation to combine the cited references.

Traverse 1 – The cited references do not disclose the Applicant’s invention. In particular, neither of the references disclose, suggest, mention, or otherwise make obvious a method that includes “the electronic device closing the media door in response to the hand moving within range of the first sensor for a second time followed by moving the hand within range of the second sensor for a second time”, as recited in amended independent claim 1. Nor do the references disclose an electronic device having logic module that “receives a second signal from the first sensor, followed by a second signal from the second sensor, and, responsive to the second signals from the first and second sensors, closes the media door”, as recited in amended independent claim 9. Nor do the references disclose a method for use in an electronic device which includes “receiving a second signal from the first sensor; receiving a second signal from the second sensor after receiving the second signal from the first sensor; and closing the door responsive to the received signals”, as recited in amended independent claim 14.

In Takada, an automatic door sensor is disclosed. The sensor system of Takada includes two sensors which, when both sensors detect the presence of an object, keep the door in an open position. When only one sensor detects an object, a timer is activated. The door is closed after the timer measures a predetermined time period.

Thus, the system of Takada does not permit the user to shut the door by using some overt action. In Takada, a timer is used so that the door does not remain

open for an extended period of time, *thus precluding the user from controlling when the door closes*. In fact, at paragraph 16 (bottom of column of Takada) Takada discloses that "it is possible to prevent the door from being open unnecessarily for a long time". In contrast, the invention described in the Applicant's amended independent claims allows the user a much greater degree of control by allowing the user to make a first hand gesture to open the door and to make a second hand gesture to close the door.

In Sugita an open and close mechanism for a media door is provided. Sugita uses exposed switches (9, 10) to control the opening and closing of the media door. However, Sugita includes makes no mention, suggestion, or other hint that might make obvious the opening and closing of the media door controlled by a user's hand coming within range of a first and second sensor as recited in the Applicant's claims.

As Takada does not allow the user to shut the door by way of a hand movement other body gesture, and as Sugita does not include a sensor that might respond to a user's hand coming within range, these references cannot be combined to produce the claimed invention.

To make a prima facie showing of obviousness, all of the claimed elements of an Applicant's invention must be considered, especially where they are missing from the prior art. If a claimed element is not taught in the prior art and has advantages not appreciated by the prior art, then no prima facie case of obviousness exists. The Federal Circuit Court has stated that it was error not to distinguish claims over a combination of prior art references where a material limitation in the claimed system and its purpose was not taught therein. In Re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Accordingly, the Applicant requests that the Examiner withdraw the rejection.

Traverse (2) – There is no motivation to combine the cited references. In Takada an automatic door sensor is disclosed in which the presence of human body opens the automatic door. In Sugita, exposed switches are used to open and close a media door. However, there is no suggestion in the art that would influence one of ordinary skill in the art to combine the automatic system of Takada with the manual, switch operated system of Sugita, *especially given that the system of Takada does not allow the user to control closing the automatic door*. Such a system, when

combined with Sugita, would result in a media door opening system that only allows the user to insert a CD or other media during the brief period that the media door is open. Further, given that Takada does not allow the user to control or to predict when the media door closes, the combined system seems unworkable in that the user must insert a CD or other media during the period that the media door is open, before the timer of Takada expires.

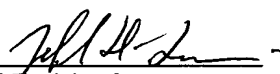
At page 2 (bottom) and page 3 (top) of the Office action, the Examiner has asserted that a "Prima facie case is made that the use of hand gestures for opening and closing a door with a first sensor and a second sensor for detecting the presence/absence of a user is notoriously old in the art". The Applicant requests that the Examiner provide a reference that supports this assertion.

In view of the amendments to the claims and arguments above, the Applicant requests that the Examiner withdraw the rejection.

II. Additional Fees:

It is not believed that additional fees are due at this time; however, if any additional fee is required in connection with the filing of this Amendment, please charge the fee to Deposit Account No. 08-2025.

Respectfully Submitted,
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